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JAMES M. BURKE and BRADLEY  
L. GROW, as the designated Sellers'  
Representatives, under that certain  
Agreement and Plan of Reorganization and  
Merger by and between Eateries I Holdings,  
LLC, Eateries, Inc., Fiesta LLC, and the  
members of Eateries Holdings, LLC,  
on the one hand, and Hestia Holdings, LLC,  
Eateries Merger Sub, Inc. and Fiesta  
Merger Sub, Inc., on the other hand,  
dated as of December 26, 2006,

Plaintiffs,

-against-

HESTIA HOLDINGS, LLC, a Delaware  
Limited Liability Company, EATERIES, INC., a  
Delaware corporation and FIESTA HOLDINGS,  
INC., a Delaware corporation,

Defendants.

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HESTIA HOLDINGS, LLC, EATERIES, INC. and  
FIESTA HOLDINGS, INC.,

Counterclaimants,

-against-

JAMES BURKE and BRADLEY L. GROW, as the  
designated Sellers' Representatives, EATERIES  
HOLDINGS, LLC, THE BURKE FAMILY, LLC,  
BRADLEY L. GROW, THE GROW FAMILY  
LLC, THE BRADLEY L. GROW REVOCABLE  
TRUST, VINCENT F. ORZA, PATRICIA L.  
ORZA, PATRICIA LANDI ORZA TRUST,  
ALEXANDRA MARIA ORZA TRUST,  
PATRICIA L. ORZA TRUST, VINCENT F. ORZA  
JR. TRUST, J.B. EDWARDS, DOUG DAVIS,  
PHILLIPS, MCFALL, MCCAFFREY, MCVAY &  
MURRAH 401K PROFIT SHARING PLAN, D.  
KEITH MCFALL, and BILL TOTTY,

Counterclaim Defendants.

Civil Action No.: 07-9909 (HB)

**STIPULATION EXTENDING  
TIME TO ANSWER, MOVE,  
OR OTHERWISE RESPOND  
TO COUNTERCLAIMS**

**USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys on behalf of their respective clients, that the time for counterclaim defendants James Burke and Bradley L. Grow, as the designated Sellers' Representatives, Eateries Holdings, LLC, The Burke Family, LLC, Bradley L. Grow, The Grow Family LLC, The Bradley L. Grow Revocable Trust, Vincent F. Orza, Patricia L. Orza, Patricia Landi Orza Trust, Alexandra Maria Orza Trust, Patricia L. Orza Trust, Vincent F. Orza Jr. Trust, J.B. Edwards, Doug Davis, Phillips, McFall, McCaffrey, McVay & Murrah 401k Profit Sharing Plan, D. Keith McFall, and Bill Totty, to answer, move or otherwise respond to the counterclaims of counterclaimants Hestia Holdings, LLC, Eateries, Inc. and Fiesta Holdings, Inc. in the above-captioned action shall be extended from December 19, 2007 up to and including January 18, 2008.

Dated: New York, New York  
December 19, 2007

ENTWISTLE & CAPPUCCI LLP  
Attorneys for Plaintiffs and Counterclaim  
Defendants

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SO ORDERED:

Harold Baer, Jr. 12/20/07  
HAROLD BAER, JR., U.S.D.J.